

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

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4 RONALD JOSEPH ALLISON,

5 Plaintiff,

6 v.

7 CLARK COUNTY DETENTION CENTER,

8 Defendant.  
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Case No. 2:20-cv-00216-RFB-BNW

**ORDER**

10 This action began with a *pro se* filing of a “Class Action for Federal Justice” by an  
11 inmate in the custody of the Clark County Detention Center (“CCDC”). On February 2,  
12 2020, this Court issued an order directing Plaintiff to file a complaint and a fully complete  
13 application to proceed *in forma pauperis* or pay the full filing fee of \$400 within thirty (30)  
14 days from the date of that order. (ECF No. 2 at 2). The thirty-day period has now expired,  
15 and Plaintiff has not filed a complaint or an application to proceed *in forma pauperis*, paid  
16 the full filing fee, or otherwise responded to the Court’s order.

17 District courts have the inherent power to control their dockets and “[i]n the  
18 exercise of that power, they may impose sanctions including, where appropriate . . .  
19 dismissal” of a case. *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831  
20 (9th Cir. 1986). A court may dismiss an action, with prejudice, based on a party’s failure  
21 to prosecute an action, failure to obey a court order, or failure to comply with local rules.  
22 See *Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir. 1995) (affirming dismissal for  
23 noncompliance with local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir.  
24 1992) (affirming dismissal for failure to comply with an order requiring amendment of  
25 complaint); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (affirming dismissal  
26 for failure to comply with local rule requiring *pro se* plaintiffs to keep court apprised of  
27 address); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (affirming  
28 dismissal for failure to comply with court order); *Henderson v. Duncan*, 779 F.2d 1421,

1 1424 (9th Cir. 1986) (affirming dismissal for lack of prosecution and failure to comply with  
2 local rules).

3 In determining whether to dismiss an action for lack of prosecution, failure to obey  
4 a court order, or failure to comply with local rules, the court must consider several factors:  
5 (1) the public's interest in expeditious resolution of litigation; (2) the court's need to  
6 manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring  
7 disposition of cases on their merits; and (5) the availability of less drastic alternatives.  
8 See *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423-24; *Malone*, 833 F.2d at  
9 130; *Ferdik*, 963 F.2d at 1260-61; *Ghazali*, 46 F.3d at 53.

10 Here, the Court finds that the first two factors, the public's interest in expeditiously  
11 resolving this litigation and the Court's interest in managing the docket, weigh in favor of  
12 dismissal. The third factor, risk of prejudice to Defendants, also weighs in favor of  
13 dismissal, since a presumption of injury arises from the occurrence of unreasonable delay  
14 in filing a pleading ordered by the court or prosecuting an action. See *Anderson v. Air*  
15 *West*, 542 F.2d 522, 524 (9th Cir. 1976). The fourth factor—public policy favoring  
16 disposition of cases on their merits—is greatly outweighed by the factors in favor of  
17 dismissal discussed herein. Finally, a court's warning to a party that his failure to obey  
18 the court's order will result in dismissal satisfies the "consideration of alternatives"  
19 requirement. *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132-33; *Henderson*, 779  
20 F.2d at 1424. The Court's order requiring Plaintiff to file a complaint and an application  
21 to proceed *in forma pauperis* or pay the full filing fee within thirty (30) days expressly  
22 stated: "IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,  
23 dismissal of this action may result." (ECF No. 2 at 2). Thus, Plaintiff had adequate  
24 warning that dismissal would result from his noncompliance with the Court's order to file  
25 a complaint and an application to proceed *in forma pauperis* or pay the full filing fee within  
26 thirty (30) days.

27 IT IS THEREFORE ORDERED that this action is dismissed without prejudice  
28 based on Plaintiff's failure to file a complaint and an application to proceed *in forma*

1 *pauperis* or pay the full filing fee in compliance with this Court's order dated February 5,  
2 2020.

3 IT IS FURTHER ORDERED that the Clerk of Court shall close this case and enter  
4 judgment accordingly.

5 DATED: March 13, 2020.

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8 RICHARD F. BOULWARE, II  
9 UNITED STATES DISTRICT JUDGE  
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